



Via Electronic Mail & U.S. Mail

May 30, 2008

Delores Brown, Chief
Office of Environmental Compliance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

**Subject: City of Livermore's Comments on NOP and NOI for the Bay Delta
Conservation Plan EIR/EIS**

Dear Ms. Brown:

The City of Livermore operates a retail water agency in the Livermore Amador Valley. Our wholesale water agency is Zone 7 of the Alameda County Flood Control and Water Conservation District. We are submitting this letter in response to the March 17, 2008 Notice of Preparation and Notice of Intent to prepare an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Bay Delta Conservation Plan (BDCP). Our water wholesaler, Zone 7, has been intimately involved with a number of Delta related issues for quite some time. We would like to have them continue to be involved on behalf of all the water retailers.

Livermore Amador Valley Water Supply

The Livermore Amador Valley relies on Zone 7 for its water supply. Zone 7 is one of the 29 State Water Project (SWP) "contractors" in California, and is one of the Bay Area water agencies receiving SWP water from the same Delta pumps that serve Southern California and the Central Valley. Zone 7 imports 80 percent of its water supplies from the SWP through the South Bay Aqueduct for treatment, storage, and recharge. Zone 7 supplies treated drinking water to four retail water agencies in the Livermore Amador Valley: Dublin San Ramon Services District, the City of Pleasanton, California Water Service Co., and the City of Livermore. In total these water retailers serve a population of nearly 200,000 people. Zone 7 also supplies irrigation water for 3,500 acres of agriculture that supports a \$200 million per-year wine industry in the valley. The future of the Livermore Amador Valley communities rely on the increasingly efficient use of the SWP supply, as well as continued development and protection of local groundwater resources, other water supplies, and expanded water conservation efforts. If SWP water is lost in any fashion to this valley, portions of Livermore will be required to meet much higher levels of water conservation than anywhere else in the state.

A Critical Time

California is facing a critical time for action. The backbone of California's water supply system, the Delta, is broken and in need of a fix. The existing through-Delta conveyance system has proven detrimental to fisheries and water supplies alike. Various factors are thought to play a role in the rapid decline of these fish, including ocean conditions, Delta water exports, and Bay and Delta ecological factors such as toxics and invasive species. The significant change in population of these species is a warning sign that current Delta and SWP management strategies are not working properly. Long-term fixes to the Delta have a new urgency in light of a federal ruling by Judge Wanger that reduces the Delta water supply deliveries to the East and South Bay in 2008, while state and federal agencies address the endangered Delta smelt, salmon, and other stressed species.

Given the environmental and legal stresses on water supply, in conjunction with an already fragile Delta ecosystem and infrastructure, the City of Livermore supports the intentions of the BDCP – to secure authorizations that would allow the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework.

EIR/EIS Methodology.

The following points are specific to the forthcoming BDCP EIR/EIS. These recommendations are meant to help ensure a comprehensive and complete analysis, and a document that complies fully with the policies and intent of the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

- The analysis should use best available and accepted/tested science wherever possible. Scientific uncertainties should be documented and disclosed to the public.
- The EIR/EIS must equally and comprehensively consider water supply and conveyance, ecological restoration and management, and flood protection.
- Give thoughtful consideration to an appropriate "Project Area" for restoration planning and impacts analysis. Given the complex ecosystem and water supply infrastructure of the Delta region, the Project Area in the EIR/EIS may necessarily include areas outside of the legal Delta boundary in order to minimize impacts and maximize results of the BDCP.
- Include a range of project alternatives, such as an alternative that includes significant statewide and/or regional improvements to local water conservation, groundwater management, and water recycling.
- The BDCP should consider a wide range of possible restoration and conservation activities aimed at improving ecological conditions, including those resulting from the Delta pumps as well as from other non SWP-related activities (e.g., agricultural and municipal inputs).
- The EIR/EIS should comprehensively address ecological issues, including pelagic organism decline, salmon decline, invasive species, and toxic pollutants.

- DWR should actively engage Delta land and water users (individuals and organizations) as a source of information about past and future Delta water use, levees, and ecology.
- The EIR/EIS should recognize that the historic Delta estuary cannot be recreated – millions of acres of agriculture, housing, recreational areas, wildlife areas, and water supply facilities are now well established. A full “restoration” is not realistic.

Inter Agency Coordination is Critical

Due to all of the interactions that are taking place in the Delta today and in light of the recent Federal Court rulings, there is no time to wait to proceed with the BDCP. However, prudent coordination with other Delta planning efforts is imperative for the long-term success of the BDCP.

City of Livermore is requesting that Zone 7 to be identified as a Responsible Agency pursuant to CEQA for the development of the BDCP EIR/EIS. We also request that Zone 7 be designated a non-federal cooperating agency under NEPA. As a SWP Contractor with facilities located near the Harvey O. Banks Delta Pumping Plant, Zone 7 is able to provide expertise in the areas of identifying reasonable alternatives and evaluating significant impacts.

Thank you for this opportunity to comment on the BCDP EIR/EIS process. We are encouraged by the level of cooperation seen so far, and are excited about the prospects for a long term solution for all the Livermore Amador Valley water retailers, Zone 7 and California.

Yours truly,

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cc: Darren Greenwood
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Tri-Valley Water Retailers